

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 11-cv-570

RASHARD MENDENHALL,)	
)	
Plaintiff,)	PLAINTIFF’S MOTION TO
)	COMPEL PRODUCTION OF
v.)	DOCUMENTS AND
)	RESPONSES TO
HANESBRANDS, INC.,)	INTERROGATORIES
a Maryland corporation,)	
)	
Defendant.)	

Plaintiff Rashard Mendenhall (“Mendenhall”), by his attorneys, pursuant to FED. R. CIV. P. 37(a) and Local Rule 37.1, respectfully moves the Court for an order compelling Defendant Hanesbrands, Inc. (“HBI”) to provide complete responses to Plaintiff’s document requests and interrogatories, as set forth in Mendenhall’s prayer for relief, below. Mendenhall further requests that the November 30, 2012 fact discovery deadline be extended to March 8, 2013, which is the current deadline for completing expert discovery.

1. For the reasons set forth in Mendenhall’s Memorandum in Support of Motion to Compel Production of Documents and Responses to Interrogatories, which is incorporated by reference, Mendenhall’s Motion should be granted.

2. On June 1, 2012, Mendenhall issued his first set of document requests and interrogatories to HBI. On August 7, 2012, HBI responded to Mendenhall’s requests, but those responses were incomplete and inadequate. For example, HBI only produced 24 pages of documents, all of which had been attached to the Complaint.

3. Pursuant to Local Rule 37.1, Mendenhall's counsel has engaged in good faith efforts to resolve the disputes set forth in this motion with HBI's counsel. On August 23, 2012, Mendenhall's counsel sent a letter to HBI's counsel requesting a conference to discuss the issues raised in this motion. On September 10, 2012, Mendenhall's counsel and HBI's counsel engaged in a telephone conference, which lasted approximately thirty minutes, to discuss the issues raised in this motion. Mendenhall's counsel has also sent numerous e-mails to Defendants' counsel, dated August 15, 2012, August 30, 2012, September 10, 2012, and September 12, 2012, in an attempt to resolve the issues raised by this motion. Despite good faith efforts, the issues raised in Mendenhall's motion were not resolved.

FOR THESE REASONS, and all reasons appearing of record, Mendenhall requests that the Court enter an order compelling HBI to do the following:

- (1) Produce all non-privileged, responsive documents in response to Mendenhall's document request nos. 1-11, 13-29, 38-40, and 42;
- (2) Produce a privilege log as to any documents over which HBI is claiming a privilege;
- (3) Produce all non-privileged, responsive documents requested in Mendenhall's document request nos. 30-36, and 41;
- (4) Provide a complete response to Mendenhall's Interrogatory Nos. 1-8, including an identification of any responsive documents by bates number; and
- (5) Pay Mendenhall's reasonable attorneys' fees and costs incurred in bringing this motion.

Mendenhall further requests that the November 30, 2012 fact discovery deadline be extended until March 8, 2013, which is the deadline for completing expert discovery.

DATED: September 13, 2012

Respectfully submitted,

/s/ Steven J. Thompson

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served on the following counsel of record via electronic case filing procedures on September 13, 2012.

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